

Order

Entered: June 9, 2004

Michigan Supreme Court
Lansing, Michigan

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ADM File No. 2001-04

Amendment of Canon 7
of the Michigan Code
of Judicial Conduct

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Canon 7 of the Michigan Code of Judicial Conduct are adopted, effective January 1, 2005.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Canon 7

A Judge or a Candidate for Judicial Office
Should Refrain From Political
Activity Inappropriate to Judicial Office

- A. [Unchanged.]
- B. Campaign Conduct:
 - (1) [Unchanged.]
 - (2) These provisions govern a candidate, including an incumbent judge, for a judicial office:
 - (a)-(f)[Unchanged.]
 - (g) A candidate for judicial office may not pay an endorsing organization for its ranking or endorsement. However, a candidate for judicial office may contribute campaign funds to pay some of the costs associated with the publication of the endorsement or ranking of the candidate, provided the candidate secures from the endorsing organization an assurance, before the endorsement or

ranking is made, that the endorsing organization will not:

- (i) demand payment from the candidate or the candidate's agent as a condition of the endorsement or favorable ranking,
- (ii) seek any assurance from the candidate before the endorsement or ranking is made that it will be paid if it endorses or ranks the candidate favorably,
- (iii) add an endorsement or favorable ranking of a different candidate in the event that the initially supported candidate decides not to pay the endorsing organization for publicizing its endorsement and favorable ranking,
- (iv) prevent the candidate from publicizing the endorsement or favorable ranking independent of the endorsing organization, regardless of whether the endorsing organization itself publicizes its endorsement or favorable ranking.

C.-D. [Unchanged.]

Staff Comment: The amendment of Canon 7(B)(4) concerns endorsements of judicial candidates. It prohibits judicial candidates from paying for endorsements or favorable ratings from a person or entity. It also regulates the manner in which a candidate may pay the cost associated with publication of an endorsement or ranking. The amendment is effective January 1, 2005, so as not to take effect in the middle of the current election cycle.

The staff comment is not an authoritative construction by the Court.

Weaver, J., concurs and further states: This Court has taken a positive step in attempting to solve the problem of judicial candidates being requested to "purchase" endorsements. But this problem is symptomatic of larger problems in our present system of electing and selecting judges and justices, among which are the money needed and spent in judicial elections. See my statement in *Gilbert v Daimler Chrysler*, 469 Mich 880 (2003).

The true solutions lie not in piecemeal attempts to address or redress individual issues, but in an overall examination and reform of our system of electing and selecting judges and justices in Michigan. The Supreme Court, the Legislature, or the Governor, or any combination of these branches of government, should lead in such an effort.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 9, 2004

Corbin R. Davis

Clerk